was sufficiently important to justify the cost of obtaining a new, official census for the state. That the state didn't even evaluate the possibility, and weigh the options, reflects its view of the insignificance of its constitutional obligations.

Thus, the constitutional rule urged here by the Travis County Appellants is not one of timing or of institutional competence or of hidden agendas about *per se* rules. It is ultimately about matching constitutional authority and constitutional obligations. The Texas legislature's desire to exercise its constitutional authority over congressional district lines cannot be allowed to override its constitutional obligation as it exercises that authority. They go hand-in-hand.

CONCLUSION

The district court judgment, upholding Plan 1374C against the challenge that it violates the Article I, Section 2, principle of one person, one vote, should be reversed.

Respectfully submitted,

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FILED
FEB 1 - 2006
OFFICE OF THE CLERK
SUPREME COURT, U.S.

(13) (13) (14) (14)

Nos. 05-204, 05-254, 05-276 & 05-439

In the Supreme Court of the United States

LEAGUE OF UNITED LATIN AMERICAN CITIZENS, *et al.*, *Appellants*,

v.

RICK PERRY, *et al.*, *Appellees*.

TRAVIS COUNTY, TEXAS, *et al.*, *Appellants*,

v.

RICK PERRY, *et al.*, *Appellees*.

EDDIE JACKSON, *et al.*, *Appellants*,

v.

RICK PERRY, *et al.*, *Appellees*.

GI FORUM OF TEXAS, *et al.*, *Appellants*,

v.

RICK PERRY, *et al.*, *Appellees*.

On Appeal from The United States District Court For the Eastern District of Texas

BRIEF *AMICUS CURIAE* OF THE AMERICAN LEGISLATIVE EXCHANGE COUNCIL AND FREE ENTERPRISE COALITION IN SUPPORT OF APPELLEES

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QUESTIONS PRESENTED

Does Article I, § 4 prohibit state legislatures and/or voters exercising their reserved legislative power through the initiative, from redistricting more than once in a decade, thereby eliminating the possibility of political remedies to post-census partisan gerrymanders, and increasing the frequency of lawsuits challenging such gerrymanders?

Does Article I, § 4 require federal court-ordered redistricting plans to remain in effect during an entire decade, insulated from any changes by subsequent redistricting legislation enacted by the Legislature or the voters of the state by initiative?

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STATEMENT OF INTERESTS OF *AMICUS CURIAE*

The **American Legislative Exchange Council** ("ALEC") is the nation's largest nonpartisan individual membership association of state legislators. ALEC has more than 2,400 members, comprising approximately one-third of all state legislators in the United States. Its mission is to discuss, develop, and disseminate public policies that expand free markets, promote economic growth, limit government, and preserve economic liberty. It is also generally concerned with matters of legislative accountability and governmental structure. ALEC serves as a "think tank" on many specific legislative issues and provides for its members a variety of additional resources, including a number of publications, a website (www.alec.org), and affiliation with more than 300 corporate and private foundation members. ALEC's interest in this proceeding is the protection of the state legislatures' authority over redistricting, thereby promoting the vital principle of federalism (ALEC represents *state* legislators) and a sound separation of powers (ALEC represents state *legislators*) in the areas of redistricting and elections—domains traditionally entrusted to the care of the state legislatures. U.S. CONST. art. I, § 4.[1]

The **Free Enterprise Coalition** ("FEC") is a non-profit organization incorporated in the State of Virginia. The Coalition's purpose is to engage in activities that promote policies that are supportive of the free enterprise system. The Chairman of FEC is Robert L. Livingston. For the past two years the coalition has concentrated on ensuring fair

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[1] As required by Rule 37.3(a) of this Court, *amicus curiae* have sought and received the written consent of all parties to file this brief presented. Copies of letters of consent signed by counsel are filed herewith with the Clerk of the Court. Pursuant to this Court's Rule 37.6, *amicus curiae* state that none of the parties authored this brief in whole or in part, and no person or entity, other than the *amicus curiae*, its members, or its counsel, made a monetary contribution to the preparation or submission of the brief.